

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 20, 1998

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

Each of the following:

B120404 People v. Davis
B118472 People v. Diaz
B113770 People v. Jackson
B120115 People v. Brooks
B117993 People v. Brown
B119981 O'Connor v. Nelson
B114928 People v. Pimental
B112019 People v. Swilley
B119376 People v. Palacios
B122473 In re: Jessica G.
B115498 People v. Daniel M.
B118485 People v. Tennison
B117182 People v. Jones
B119003 People v. Morris
B115204 Harinath v. Harinath
B118495 People v. Perkins
B117769 People v. Preciado
B118680 People v. Gonzales
B117666 People v. Mitchell
B119330 People v. Poole
B116004 People v. Vargas
B117726 Edwards v. Bd. of Vocational Nurses
B120167 People v. Argilago

Argument waived, cause submitted.

DIVISION TWO (Continued)

B117033 Eastman House of California
 v.
 Titan Construction Company

Merits:
Argued by Michael Montgomery for appellant and by Richard Bunt for respondent. Cause submitted.

B118509 People
 v.
 Newburn

Merits:
Argued by Maxine Weksler for appellant and by Jennifer Leal, Deputy Attorney General for respondent. Cause submitted.

B105790 Wadlow
 v.
 Jackrabbit Motorcycle Club

Merits:
Argued by Brian Faulkner for appellant and by Harry Scolinos for respondent. Cause submitted.

B114443 Waffer International
 v.
 Khoursandi

Merits:
Argued by Thomas Weiss for appellant and by Mark Huston for respondent. Cause submitted.

B123948 Roll International
 v.
 Unilever US, Inc.

Merits:
Argued by Dean Kitchens for appellant and by Robert Meyer for respondent. Cause submitted.

DIVISION TWO (Continued)

B116536 Ross
 v.
 Rahe
 (S. Syd Rahe, et al., r.p.i.)

Merits:

Argued by John Lawrence for appellant and by Gordon Rose & O.R. Rouse for respondents. Cause submitted.

B115372 Kest
 v.
 Times Mirror Company
 (Broadbar, r.p.i.)

Merits:

Argued by Hillel Chodos for appellant and by James Armstrong and Judith Gordon for respondents. Cause submitted.

B108960 Ramirez
 v.
 Mikhail

Merits:

Argued by Edwin Carney for appellant and by Dale Galipo for respondent. Cause submitted.

B113300 Zachary
 v.
 Mogull
 (SCS Communication, et al., r.p.i.)

Merits:

Argued by Arthur Mogull, appellant in propria person and by Brian Wolf, John Genga and Paul Harrigan for respondents. Cause submitted.

Court adjourned.

DIVISION FOUR

B113538 People
 v.
 Brown

(Not for Publication)

The abstract of judgment is modified to reflect a one-year enhancement for personal use of weapon; otherwise the judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Cooper (F.M.), J. (Assigned)

B116907 People (Certified for Partial Publication)
v.
Turner

The judgment is modified to reflect a precommitment credit award of 441 days and is otherwise affirmed. The matter is remanded for the purpose of imposing the additional five-year enhancement and to allow the court to set forth in the minutes its reasons for striking the five-year prior for purposes of the Three Strikes laws.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Cooper (F.M.), J. (Assigned)

DIVISION FOUR (Continued)

B118591 People (Not for Publication)
v.
Revuelta

The judgment is modified to provide that defendant is assessed a fine in the amount of \$200, pursuant to section 1202.45, to be suspended unless defendant's parole is revoked. The abstract of judgment is to be corrected to reflect the section 1202.45 fine, and also is to be corrected to reflect the section 1202.4, subdivision (b) fine in the amount of \$200 which was properly imposed by the trial court. The judgment is further modified to provide that defendant has credit for 321 days including 215 actual days and 106 days of conduct credit. In all other respects, the judgment is affirmed. The trial court is ordered upon issuance of the remittitur to send a corrected abstract of judgment to the Department of Corrections.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

B114153 Rinon (Not for Publication)
v.
Kuo

The judgment is reversed. Appellants shall recover their costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Cooper (F.M.), J. (Assigned)

B109723 Roybal (Not for Publication)
v.
Minnersota Mutual Life Ins.

The judgment is affirmed. Costs are awarded to respondents.

Hastings, J.

We concur: Epstein, Acting P.J.

November 20, 1998-Continued

Curry, J.

DIVISION FOUR (Continued)

B115229 Whoop (Not for Publication)
v.
TRP Inc.

The post-judgment order denying appellant's motion to amend the judgment is affirmed. Costs on appeal are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B102502 Bozic (Not for Publication)
v.
Yonchar & Margines

The judgment and the order awarding attorney fees are each reversed. The matter is remanded for further proceedings on the equitable claims. Appellants are awarded their costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.
Cooper (F.M.), J. (Assigned)

B114354 Jackson
v.
Paramount Pictures Corporation

Filed order denying petition for rehearing.

DIVISION FIVE

B122521 Clauson Certified for Publication)
v.
Superior Court, Los Angeles County

The petition for writ of mandate is granted. The respondent court is directed to set aside the order of April 8, 1998, striking the punitive damage allegations in the first cause of action and paragraph 5 of the prayer for relief in the second amended complaint and issue a new order denying the motion. Plaintiffs, James, Yoland, and Carol Clauson, and Michelle Clauson-Esparaza, shall recover their costs incurred in connection with these extraordinary writ proceedings jointly and severally from defendants, Pedus Security Services Inc., Pedus Services, Inc., Pedus Building Services, Inc., Pedus Food Services, Inc., Irving and Mark Singer, and Brian Blomberg.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B113514 People (Not for Publication)
v.
Chein

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B115350 Howard Siegel (Certified for Partial Publication)
v.
The Prudential Insurance Company, et al.

The judgments are affirmed. Plaintiff, Howard Siegel, is to recover his costs on appeal from defendants, The Prudential Company of America and James Dinges.

Turner, P.J.

We concur: Grignon, J.

November 20, 1998-Continued

Armstrong, J.